

Central Information Commission, New Delhi
File No.CIC/SM/A/2011/001863
Right to Information Act-2005-Under Section (19)

Date of hearing : **31 July 2012**

Date of decision : **31 July 2012**

Name of the Appellant : **Shri Jagdish Prasad,
C/o. Brahma Kumaris,
Choudhari Bagan,
Opp. Harit Bhawan,
Harmu Road,
Ranchi – 834 001.**

Name of the Public Authority : **CPIO, Central Bureau of Investigation,
O/o. the Supdt. of Police,
Anti Corruption Branch,
2, Booty Road, Ranchi.**

The Appellant was present.

On behalf of the Respondent, Shri Sunil Kumar Jha, CPIO present.

Chief Information Commissioner : **Shri Satyananda Mishra**

Both the parties were present in the Ranchi studio of the NIC. We heard both their submissions.

2. The Appellant had sought a copy of the SP's report in his case. The CPIO had denied the information by citing the exemption provision contained in subsection 1(h) of section 8 of the Right to Information (RTI) Act. The Appellate

Authority had endorsed the decision of the CPIO.

3. After carefully considering the submissions made by both parties and keeping in view the decisions of the CIC in similar cases in the past, we tend to agree with the decision of both the CPIO and the Appellate Authority. Since the prosecution against the Appellant is underway in the competent court, we tend to agree with the CPIO that the disclosure of this information could impede the process of the said prosecution. Therefore, the copy of the SP's report cannot be disclosed. In any case, the Appellant can request the trial court for this information and the court can thereafter decide if this information should be disclosed to the Appellant for a fair trial or not.

4. The appeal is disposed off accordingly.

5. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)
Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Deputy Registrar